THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 15014 of 2007

Date:16-07-2007

Between:

Atchamma Setty Vijaya Laxmi ..
PETITIONER

AND

The Dy.Commissioner, Endowments Dept.,Gutnur and two others ..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not waiving the maktha paid by petitioner in advance to the tune of Rs.49,850-60 ps. for the years 2003-2006 in spite of G.O.Rt.No.2711, dated 22.12.2006, as illegal and arbitrary.

It is the case of the petitioner that she has taken the 3rd respondent's temple wet land of an extent of Ac.13.74 cents in Sy.Nos.217, 220 and 241 situated in Guntur Annasatram temple of R.Agraharam, Guntur mandal, Guntur District and she has been cultivating the same continuously since 1979 and paying the maktha to the temple regularly. It is stated that there was no dispute between the lease of the said land in favour of the petitioner and in fact when there was unprecedented and extensive damage occurred to the crop due to the floods in the year 2006, the government waived the lease amounts payable by the lessees for the year 2006 in favour of the temples' land. It is stated that pursuant to the said G.O. the application made by the petitioner for waiver of the lease is not at all finalized so far and she has raised the crops in the said lands. But, while so, the 3rd respondent issued a notification for auction of the lands of an extent of Ac.18.33 cents situated in Sy.Nos.217, 220 and 241 situated in Kondamudi village, Ponnur mandal, Guntur District on 17.07.2007 at 11.00 A.M. for the auction of the leasehold rights to cultivate the said lands for a period of three years subject to fulfillment of certain terms and conditions.

The petitioner questions the said auction notification dated 05.07.2007 in proposing to auction the leasehold rights of

Ac.13.74 cents in Sy.Nos.217, 220 and 241 of Kondamudi village of Ponnur mandal, Guntur District which lands are under cultivation of the petitioner.

No doubt, the said auction notification goes to show that the petitioner was the lessee of the said land and one Ambati Nageswara Rao was the lessee of Ac.04.59 cents in Sy.Nos.217 and 220 of Kondamudi village of Ponnur mandal. But, the petitioner failed to produce any lease deed with regard to the occupancy period of lease. Merely because the petitioner is a lessee, I am of the opinion that the petitioner has no vested right to prevent the auction of the leasehold rights to cultivate the said lands. The petitioner as well can participate in the auction proceedings and take the lands on lease, but none of her rights can said to have been taken away as she has no existing rights in the said land continuously to hold on lease.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:16.07.2007
CCM